Docket No. RSW920010210US1 (7161-026U) **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Customer Number: 46320
Gabriel MONTERO	:	Confirmation Number: 1061
Application No.: 10/026,385	:	Group Art Unit: 2142
Filed: December 21, 2001	:	Examiner: M. Meucci

For: DYNAMIC PARTITIONING OF MESSAGE SYSTEM TOPICS

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the Notification of Non-Compliant Appeal Brief dated August 14, 2007 (hereinafter the Notice).

REMARKS

On page 2 of the Notice dated September 10, 2007, it was stated that "[t]he summary of the claimed invention fails to identify and map each independent claim (1, 6, 8, and 9) to the specification by page and line number and to the drawings, if any." In response, Appellant submits herein a revised "Summary of Claimed Subject Matter" section to replace the same section found in the Appeal Brief.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: September 14, 2007

Respectfully submitted,

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V. SUMMARY OF CLAIMED SUBJECT MATTER

Referring to Figs. 1 and 2 and to independent claim 1, a message system includes at least one message server 115 and a dynamic topic partitioning system 120 (page 7, lines 15-20 of Appellant's disclosure). A plurality of topics 210 are stored 110 in the at least one message server 115 (page 7, line 22). A plurality of subtopics 220 are associated with at least one of the topics 210 in the at least one message server 115 (page 8, lines 2-3), and the dynamic topic partitioning system 120 is configured to partition the at least one of the topics 210 into the subtopics 210 (page 8, lines 1-4). Messages are posted to and retrieved from individual ones of the plurality of topics 210 (pages 8, lines 3-4).

Referring to Figs. 1 and 2 and to independent claim 6, a dynamic topic partitioning system 120 is disclosed. The dynamic topic partition system 120 includes a message interface 120, a subtopic store 110, and a request processor. Message publishers 102 can post messages to selected topics 210 through the message interface 120 (page 7, lines 14-16). Message subscribers 104 can request messages which have been published to selected topics 210 from the message interface 120 (page 7, lines 16-18). The subtopic store 110 is configured to distribute messages of the selected topics 210 within associated subtopics 220, and the request processor converts requests to post and retrieve messages to and from individual ones of the selected topics 210 into message system requests to respectively post and retrieve messages to and from the associated subtopics 220 in the subtopic store 110 (page 9, lines 1-7). The request processor processes each of the converted message system requests in individual threads of execution (page 9, lines 8-11).

Referring to Figure 3B and to independent claims 8 and 9, a message system servicing method is disclosed. In step 312, message requests for a selected topic are from subscribers are

intercepted in the message system (page 9, line 23 through page 10, line 1). In step 314, the message requests are associated with a plurality of subtopics created for the selected topic (page 10, lines 1-2). In step 318, the message requests are serviced with messages in the subtopics from within separate threads of execution for each subtopic-subscriber pair (page 10, lines 2-5; page 9, lines 9-11).